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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,130	06/24/2003	Eric W. Liimatta	SU-7275	9877
7982	7590	05/19/2006		
EDGAR SPIELMAN ALBEMARLE CORPORATION 451 FLORIDA BLVD. BATON ROUGE, LA 70801			EXAMINER CORBIN, ARTHUR L	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/603,130

**Applicant(s)**

LIIMATTA, ERIC W.

**Examiner**

Arthur L. Corbin

**Art Unit**

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11-19-03, 2-13, 7-21, 11-01 & 12-20-04, 411-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 11, 12, 20, 21, 35 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13-19, 22-34 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11903021304072104, 110104, 122004, 041106
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 9 and 32 are objected to because of the following informalities: In claim 9, line 5, "where in" should be one word and line 6, "in" (1<sup>st</sup> occurrence) should be cancelled and "is" should be changed to "are". In claim 32, line 2, "an" should be added after "into" and "carcass" should be made plural and line 3, "is" should be changed to "are". Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4; 7-10; 13-19; 22-28; 29/1-4,7; 30/14-19,22; 31-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howarth (6,986,910, cols. 5-12) or Howarth (6,908,636, cols. 2-5, 7-9 and 13-15) in view of Hilgren et al (6,514,556, claim 7), Howarth et al (6,919,364, cols. 2, 4 and 5) and Yang et al (6,123,870, cols. 2 and 3). Both primary references disclose treating defeathered and eviscerated poultry carcasses with a microbiocidal composition including 1,3-dibromo-5,5-dialkylhydantoin using the same treatment procedures claimed by applicant except for inside-outside washing with said composition. It would have been obvious to use inside-outside washing as one of the application procedures of said composition since it is well known to treat poultry carcasses with a microbiocidal composition using an inside-outside washing procedure, as evidenced by Hilgren et al. Further, it would have been obvious to substitute an aqueous composition including a bromine source, a halogen stabilizer,

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e.g. sulfamic acid, and an alkali metal base, e.g. sodium hydroxide, for the dialkylhydantoin containing composition in either primary reference since these two compositions are used alternatively for reducing microbial contamination in animal matter, as evidenced by Howarth et al. The sulfamic acid in the composition disclosed in Howarth et al obviously will function as a halogen, i.e. bromine, stabilizer since sulfamic acid is known to serve this purpose in bromine containing compositions used for biofoul control in food systems, as evidenced by Yang et al.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-4; 7-10; 13-19; 22-28; 29/1-4,7; 30/14-19,22; 31-34 and 37 are also rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,908,636 in view of Hilgren et al,

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Howarth et al and Yang et al. The secondary references are applied to the claims in 6,908,636 in the same manner as they are applied in paragraph no. 4 above.

6. Claims 1-4; 7-10; 13-19; 22-28; 29/1-4,7; 30/14-19,22; 31-34 and 37 are further rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,986,910 in view of Hilgren et al, Howarth et al and Yang et al. The secondary references are applied to the claims in 6,986,910 in the same manner as they are applied in paragraph no. 4 above.

7. The disclosure is objected to because of the following informalities: The spec., paragraph no. 0001, lines 7-8 and page 2, lines 1-8 should be updated to reflect the current status of each application number set forth therein.

Appropriate correction is required.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can normally be reached on Monday-Friday from 10:30 AM to 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano, can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur L Corbin  
Primary Examiner  
Art Unit 1761  
5-15-06